

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**ADVANCED MP TECHNOLOGY, INC.,**)

**Plaintiff,**)

**v.**)

**MASS INTEGRATED SYSTEMS, INC.**)

**Defendant.**)

**Civil Action No.: 14-CV-13891-LTS**

**ASSENTED-TO MOTION OF RECEIVER TO EXTEND DEADLINES**

Francis C. Morrissey, the court-appointed receiver in the above-captioned case respectfully requests that the deadlines set forth in the Court's Scheduling Order be extended sixty (60) days while the parties attempt to settle this matter.

**NATURE OF THE CASE**

1. On October 17, 2014, Advanced MP Technology, Inc. ("Advanced") commenced the above-captioned case by filing a Verified Complaint to Enforce Judgment and for Appointment of a Receiver ("Complaint"). [ECF No. 9]

2. In its Complaint, Advanced alleges that it holds a judgment against Mass Integrated Systems, Inc. ("Mass Integrated" or the "Defendant") in the amount of \$240,629.46, plus interest in the amount of 10% per annum from April 16, 2012. Complaint, ¶3.

3. Advanced further alleged that "[o]n or about May 14, 2013, approximately one month prior to the trial in the California Action, Eric Primack, the principal of the Defendant, formed and established a new limited liability company known as Smarter Glass", which Advanced claims is "the alter ego of the Defendant" and "was capitalized with the assets of the

Defendant and such assets were transferred to Smarter Glass, LLC for little or no consideration.” Complaint ¶¶ 10, 11.

4. On December 31, 2014, Mass Integrated, for its part, filed an answer denying the allegations of successor liability or fraudulent conveyance and raised a number of affirmative defenses to same.

#### **APPOINTMENT OF RECEIVER**

5. On December 30, 2014, the Court entered an order appointing Francis C. Morrissey, as the receiver for Mass Integrated (the “Appointment Order”) [ECF No. 12].

#### **REQUEST FOR RELIEF**

6. On March 16, 2015, the Court entered a Scheduling Order [ECF No. 33] establishing deadlines for the: (a) the amendment of pleadings pursuant to Fed. R. Civ. P. 15; and (b) the completion of discovery.

7. In accordance with the Scheduling Order, the Receiver timely propounded written discovery on Mass Integrated, Smarter Glass, Mr. Primack and Easter Bank.

8. Since the service of the Receiver’s discovery, Advanced, MIS and the Receiver have been engaged in confidential settlement negotiations in an effort to resolve this litigation.

9. Those negotiations are ongoing and have been productive. As a result, the parties wish to have this litigation stayed and the applicable deadlines extended to afford the parties more time to pursue possible settlement.

10. Through this motion, accordingly, the parties request that the deadlines in the Scheduling Order to amend pleadings and complete discovery be extended for sixty (60) days while the parties pursue settlement negotiations.

11. **Advanced and Mass Integrated have each agreed to the proposed extension.**

WHEREFORE, the Receiver respectfully requests that the deadlines set forth in the Scheduling Order be extended sixty (60) days.

Dated: May 29, 2015

Respectfully submitted,

FRANCIS C. MORRISSEY,  
RECEIVER

/s/ Francis. C. Morrissey

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**CERTIFICATE OF SERVICE**

I, Francis C. Morrissey, hereby certify that on May 29, 2015, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Francis C. Morrissey